

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT E. GUTHRIE, sui juris,

Petitioner,

vs.

PROSECUTOR BRANDI LANG, in her official
capacity,

Respondent.

8:25CV132

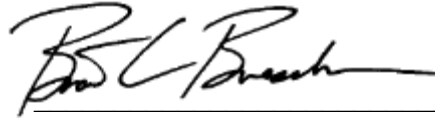
ORDER FOR SUMMARY REMAND

This case is before the Court on a Notice of Removal to Federal Court Pursuant to [28 U.S.C. § 1441](#), [Filing 1](#), and a Motion directed to the Clerk of Court for Praecipe for Notice of Removal, [Filing 2](#). Petitioner Guthrie purports to remove a case that he filed in the District Court for Sarpy County, Nebraska, to this federal court based on federal question jurisdiction. [Filing 1 at 1](#). Under [28 U.S.C. § 1441](#), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant ... to the district court of the United States for the district and division embracing the place where such action is pending.” [28 U.S.C. § 1441\(a\)](#). Guthrie is a plaintiff. Therefore, Guthrie cannot remove this case to federal court. See *Home Depot U.S.A., Inc. v. Jackson*, 587 U.S. 435 (2019) (“Section 1441(a) . . . limits removal to ‘the defendant or the defendants’ in a ‘civil action’ over which the district courts have original jurisdiction”). Accordingly,

IT IS ORDERED that this action in its entirety is summarily remanded to the District Court for Sarpy County, Nebraska, and any and all motions filed in this Court are denied without prejudice to reassertion in the state court.

Dated this 26th day of February, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge